

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LANCE FREDERICK,

Plaintiff,

v.

Case No: 06-11549-BC
Honorable David M. Lawson

FEDERAL-MOGUL INC.,

Defendant.

ORDER DENYING MOTION TO CORRECT A MISNOMER IN DEFENDANT'S NAME

This matter is before the Court on the plaintiff's motion to correct a misnomer in the defendant's name. The plaintiff's complaint identified the defendant as Federal-Mogul, Inc. Apparently, the defendant's correct name is Federal-Mogul Corp. Eastern District of Michigan Local Rule 7.1(a) requires a movant to seek concurrence in the relief requested before filing a motion with this Court. If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2). The local rules also require that motions be accompanied by a brief. E.D. Mich. LR 7.1(c)(1).

The plaintiff does not state in his motion that concurrence was sought in the relief requested before filing the motion, nor is the plaintiff's motion accompanied by a brief. "It is not up to the Court to expend its energies when the parties have not sufficiently expended their own." *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The plaintiff has filed his motion in violation of the applicable rules.

Accordingly, it is **ORDERED** that the plaintiff's motion to correct a misnomer in defendant's name [dkt # 7] is **DENIED** without prejudice.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: June 9, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 9, 2006.

s/Tracy A. Jacobs

TRACY A. JACOBS